

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Examiner Interview

Applicant thanks the Examiner for the courtesies extended during the Examiner Interview conducted on September 22, 2008. During the Interview, the Examiner's rejections under 35 U.S.C. § 102 were discussed in view of the claim amendments directed toward the instrumentation request discussed in paragraph [0022] of the Specification. The claim amendments presented in this response are consistent with the amendments discussed during the Examiner Interview. No agreement was reached at the close of the Examiner Interview.

Disposition of Claims

Claims 1-23 are pending in this application. Claims 1, 10, and 17 are independent. The remaining claims depend, either directly or indirectly, from claims 1, 10, and 17.

Claim Amendments

Independent claims 1, 10, and 17 are amended to clarify aspects of the invention. Further, dependent claims 2 and 3 are amended for consistency with the amendment to independent claim 1. No new matter has been introduced by way of these amendments as support for these amendments may be found, for example, in paragraph [0022] of the Instant Specification.

Rejections under 35 U.S.C. § 102

Claims 1-23 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,662,356 (“Edwards”). To the extent that this rejection may still apply to the amended and original claims, the rejection is respectfully traversed.

“[A] claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). Further, “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The Applicant respectfully asserts that Edwards does not expressly or inherently describe each and every element of independent claim 1.

Specifically, amended independent claim 1 is directed to a method of translating data. More specifically, amended independent claim 1 recites, in part, that “the translated data is configured to satisfy an instrumentation request from a user, wherein the instrumentation request is a request to perform a function of one of a group consisting of a *tracing program* and a *debugging program*”. In other words, amended independent claim 1 requires, in part, providing data translated from implementation data structure in response to an instrumentation request to a tracing or debugging program. *See* Instant Specification, paragraph [0022].

In contrast, Edwards only discloses providing an application program interface (API) to allow for manipulation of code and data in the intermediate representation (IR) transformation module. *See* Edwards, column 7 at lines 30-38. In other words, the system of Edwards allows for the transformation of the IR of a program to generate a modified version of an executable. *See* Edwards, column 8 at lines 36-50. Thus, Edwards only discloses providing tools that facilitate the

optimization and generation of platform specific executables. *See id.* However, Edwards fails to disclose that the API provided for the IR transformation module is used to fulfill *instrumentation requests* (e.g., request to perform a function of a debugging or tracing program). In view of this, it is clear that generating a transformed version of executables as recited in Edwards is not equivalent to translating data to satisfy an *instrumentation request* as recited in independent claim 1.

In view of the above, Edwards fails to disclose all the limitations of amended independent claim 1. Thus, claim 1 is patentable over Edwards. In addition, independent claims 10 and 17 include at least the same patentable subject matter as claim 1 and, thus, are patentable over Edwards for at least the same reasons as claim 1. Dependent claims 2-9, 11-16, and 18-23 are patentable for at least the same reasons as the aforementioned amended independent claims. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/343001).

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Respectfully submitted,

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